



**REGULAR MEETING
MINUTES
for
May 20, 2002
Art Pick Council Chamber
3900 Main Street, Riverside, CA**

Present: Commissioners Brewer, Davidson, Garcia, Gardner, Howe, Huerta and Ward

Absent: Commissioners Floyd and Hendrick

Chairperson Brewer called the meeting to order at 6:02 p.m. and led in the Pledge of Allegiance.

Motion was made by Commissioner Gardner and seconded by Commissioner Howe to approve the minutes for the April 2002 monthly meeting and the May 8, 2002 case review meeting. The motion passed with one abstention.

Executive Director's Report & Comments

Mr. Williams presented Rev. Shermella Egson with a commemorative gift from the Commission to thank her for her service to the City as one of the first members of the Commission. Rev. Egson resigned in March due to time constraints.

Rev. Egson thanked the Commission and said that she enjoyed working on the CPRC, but that special programs being initiated at her church need "110 %" of her attention and that she needed to devote her time and energy to her church.

Commissioner's Comments

Commissioner Huerta said that she missed Rev. Egson and her comments and insight in deliberations.

Chairperson Brewer dittoed Commissioner Huerta's comments.

Commissioner Howe said that while he would see her at meetings for other groups in which they are both members, he said that he would miss her on the Commission because of her calm demeanor, her insight, and that her background in law enforcement helped quite a bit also.

Commissioner Gardner echoed the previous comments. He also said that Rev. Egson taught him a lot and he thanked her for that. He said he'd miss the "Grammar Police," saying there was no one who could keep him line as well as she did. He ended by thanking her and saying that she served her community well and would continue to do so in her other endeavors.

Commissioner Garcia said he missed her strong, energetic voice and thanked her for her insight and her ability to make them laugh when some of the cases were a little tough.

Public Comments

Mr. Mark Kirkwood

Good afternoon. First of all, I'm here for justice, not no sympathy. I was involved in a car accident. I would like to read this letter to you guys.

I, Marc Kirkwood, was involved in a car accident 3/19/2002 on the location of Promrose and Van Buren where Officer Carla Hardin was the last to show up on the scene. She failed to take a full and complete report from me and because of this negligence, she did not include that Driver 2 told me she doesn't know how the accident happened. That's not the only problem with Officer Hardin I have. When I tried to tell her my side of the story, she spoke out in an angry voice I should have stopped. I looked at her and said, "I did stop." A second or two she turned and walked away, but yet she put I failed to yield after I told her I stopped. What do I look like, running a stop sign into speeding traffic? That's what she says in the traffic report is false. She also states that I told her when I was sitting at the stop sign a truck attempted to make a left turn, so I thought it was safe to turn. Then I was hit by a speeding vehicle. She was told by me that when I stopped, there was a truck in my view, so I pulled up to see if it was safe to turn. As it says in the Penal Code, proceed with caution is what I did. But I seen I was not able to proceed. Numerous vehicles drove past and I did not obstruct any vehicle from passing or hit by any vehicle passing because the driver of the other vehicle failed to pay attention and switched lanes while speeding. She came into the vehicle I was driving. Not only that, she backed up into flowing traffic. She was well past me when she hit me.

Officer Hardin stated I didn't see Driver 2. That was false. I said to her when a little truck turned left onto Promrose in front of Driver 2, the truck rushed past, then I seen Driver 2 coming right for us. There was nothing I could do 'cause the accident happened. If Officer Hardin was thorough in getting the police report right and my information, how can she get something so simple as the color of Driver 2, the color of her vehicle wrong. She puts in the police report the car is silver and the car is gold. How can you mix that up if she seen both colors of the vehicles? If she had stood there and fully understood what I was saying to her, I wouldn't be writing none of this for no reason. I never told her no such things. Instead of Officer Hardin taking the real facts instead of opinion, I am having problems collecting damages to the vehicle I was driving due to the officer not giving me a fair hand and showing Driver 2 fair treatment. There were no measurements taken at the scene. I would be glad to show her how far out I was, but in the report there are measurements. How can you take measurements if you don't know how far my vehicle or how far the other vehicle was, the direction of the other vehicle when it came into my vehicle? Officer Hardin failed to put I told her Driver 2 also switched lanes in the intersection. When I spoke to Driver 2's insurance company, Jeff at Farmer's Insurance Company, I asked him, "Is there any way you that you can look at the damages to the vehicles to determine how the accident happened?" He said that no way that you can do that because many cars have damage and by looking at them, you really can't say how they happened all kinds of ways. And in that time I talked to him, he told me Driver 2 didn't know what happened. She thinks it's my fault, but now that I talked to him, weeks later, after getting the police report, everything changes because it puts me at fault because the negligence of Officer Hardin for putting those incorrect things and not enough information in the report.

I was given a ticket also for no insurance, not for yielding, and if that's what I done, why wasn't I given a citation for that if that's what I done? As I stated in the beginning, Driver 2 changed lanes, speeding. Why wasn't she given a citation for any one of those things? That's fair treatment. The officer listed Driver 2's statement. Why not mine? My statement would have made more sense to her if she would have stood there and just listened to what I was trying to say to her.

If you see a murder and didn't get a good look at the person that done it, it doesn't mean that you didn't see the murder. The police is going to get every fact in order to catch the person. I want to say the things I have said in this complaint should be taken into consideration.

CHAIRPERSON BREWER – Mr. Kirkwood? Excuse me a minute. Your time actually has gone by. Can you bring this to a conclusion, what you want to say to us, maybe just in your own words right now?

MR. KIRKWOOD – Yeah, I can do that. In this accident, you know, I felt that I was treated unfairly, you know. I'm not trying to say it was because of my race, but race had a little bit to do with it. As I tried to explain to the officer how the accident occurred, she didn't listen to me. She walked away. Now to me, that wasn't fair, you know. Why you not going to listen to me trying to tell you how an accident occurred and you're going to listen to the other party, you know. How can you figure out how the accident occurred if you just listen to one person? You know that person could be lying to you - you know what I'm saying? You don't know. So, you know, why you don't...she didn't listen to my side of the story.

CHAIRPERSON BREWER – Mr. Kirkwood, you have filed a complaint, is that correct?

MR. KIRKWOOD – Yes.

CHAIRPERSON BREWER – It is my understanding, commissioners, that we received the information in Don's office just yesterday. It hasn't been reviewed yet. So we will certainly review the...your complaint and the information and that and then of course we will look at this at a later date and make a decision. We wouldn't make a decision tonight on anything because we don't have both sides of the story.

MR. KIRKWOOD – Alright. Also I wanted to say in the police report – they made a police report, but I didn't go pick up the police report. But the clerk at the Police Department, she read the police report to me, the supplementary part, what the officer says. Now the police report that I have now, says something totally different from what was read to me the first time. Now I think something is wrong with that also.

CHAIRPERSON BREWER – Okay, these are things that we will look at when we get all the reports over here, we'll look at all that, sir.

MR. KIRKWOOD – The first time I read the police report where the clerk read it over the phone to me, and I also went down and she read it to me at the front desk, there was no measurements in the police report.

CHAIRPERSON BREWER – Okay now, we understand that, and you're way beyond the time that you're supposed to have, sir.

MR. KIRKWOOD – Okay. Thank you.

CHAIRPERSON BREWER – Thank you.

COMMISSIONER HOWE – Mr. Chair, before we start with the other speaker...

CHAIRPERSON BREWER – Commissioner Howe?

COMMISSIONER HOWE – I would...after we've had a look at this and if we see that there's some possibilities of some problems here, this might be a case that we might recommend to our contract investigator and take a look at that.

COMMISSIONER HUERTA – Also, I'd like to make sure that your comments that you have made tonight, your written handout, that you will have provided a copy to Don?

CHAIRPERSON BREWER – We have a copy of that already.

Ms. Mary Shelton

Hi. I was just up here because two weeks ago on Wednesday night, I was with a friend of mine named Rita Pisant (?) at the street fair on Wednesday night and we noticed that there was this group of white men with shaved heads and tattoos going around harassing people of color, like black people, Mexican-Americans and these police officers were right there and they didn't seem to be responding to that. And we were sitting in front of Simple Simon's and I was telling her about it and...'cause I'd watched him for about 10 minutes, and they had walked by and there was a Mexican-American family going in the other direction and they bumped against them and tried to say something to them and the man said, "Don't start this with me." And they went by it and well, they went a certain distance apart from each other and then the skinheads were going like, you know, do you want to come over here and...right in front of Simple Simon's and these police officers were right behind and they just rode right on by and they... And I told her right before they came that I was not very happy with the way the Police Department was dealing with it, so I was going to call the police chief and I think that Officer Collins, who was on bike patrol, heard me, because he turned around and gave me this kind of not-so-nice look. But they just rode and they split up.

So I called the Police Department. I called Lt. Cannon because I have a pretty decent relationship with him and he's helped in the past and he referred me to a Lt. John de la Rosa, who I talked with 10 or 15 minutes and then he referred me to a Sgt. Graham and the only thing I know about Sgt. Graham in the past. I've never met him. I do know that he's been having trouble getting promoted. He's been passed over quite a few times, but I talked to him for about a half an hour and he seemed very concerned and he was at least paying attention and he was asking questions and asking what they could do and things like that. And he said...that he told me that the only report they'd gotten that night was when they were citing some teenage kids for smoking in front of McDonald's, but that they were particularly, they called these kids skinhead wannabe's. They said they were probably some of the most verbally abusive kids, in terms of yelling at police officers and trying to rile them, that they had encountered in quite some time. And I was wondering if perhaps that was one of the reasons why they were taking a hands-off approach to them the rest of the night.

I do know that there were, on several occasions, black kids coming in and the same bike officers would go up to the black kids and ask them what they were...you know, ask them questions and the black kids, I overheard on one occasion saying, "Why do you give the whites preferential treatment?" And that struck me because, in terms of Wednesday night, there's always been a problem in the past with how different groups of people are treated there. They've always been harder on black people, like groups of people hanging out together. Maybe there're gangs and they've shut the whole fair down for a couple weeks one year, like I was telling Sgt. Graham. But it seems like a group of skinheads can go around and they can hassle whoever they want. They can, I mean, do you think that a couple that's being harassed on the basis of their race cares whether they're wannabe skinheads or not? Do you think they care enough to want to come back to them next week? And I've

had other people tell me that, because of the presence of skinheads at Orange Blossom, as well as Wednesday night, they don't even want to come to those fairs anymore because they've been harassed, because I saw a bit of this harassment going on at the Orange Blossom, too, where skinheads would come in with their knives hanging from their belts and they would try to eyeball a black person walking by, like a couple and the girlfriend would say, "Don't even get into it with this guy..."

And it's hard to even find a local location at any of these festivals to talk to police officers because they're all wandering around and Sgt. Graham had only been working there, it was his first week, and he explained to me that part of the problem is that it's...there's a lot of...it's all overtime, so people...it's first come, first served. They just sign up and they get to work that night for overtime and so consequently, you get different people every week and they don't really have a feel for what the crowd is like and everything. And so I'm just sharing this concern. The next week the kids didn't come back, the skinheads didn't come back and it seemed a lot quieter. But it's still kind of...and there was a little bit more police there, I guess, but it just always bothered me because a few years ago a friend of mine was nearly arrested and he was harassed by officers for simply just handing out political flyers, so it just seems to be an on-going thing.

Thank you.

Discuss and Vote on Assigning Cases to Commissioners

Chairperson Brewer noted that this was a suggestion that was proposed by Commissioner Ward and asked if he had anything further he wished to add.

Commissioner Ward said that he felt that if each commissioner were assigned a case, they would be responsible for presenting the case, along with the finding and the rationale, to the Commission in closed session. He said that he feels that if cases were handled this way, there would be a better feel for where individual commissioners are; get a better feel for what people think and how they arrive at their thoughts. He feels that there may be some reluctance to propose different findings once a finding has been proposed. He feels that most of the decisions are being made by a small group of people. He said that each commissioner would still review the other cases and note any questions you might have. If the question was not addressed in the presentation, then you could ask the presenting commissioner.

Commissioner Howe said he had no problem with each commissioner presenting a case, but noted that he would "vigorously investigate" all the cases like he would if the case were assigned to him.

Commissioner Gardner said that he would be willing to give it a try and noted that it is an interesting idea. He didn't really think that it was something that needed to be voted on though, saying that it makes it more formal than he felt it really needs to be. He said that the Commission could just agree to try it out and if they like it, then stay with it.

Chairperson Brewer said that he did have problems with it. He feels that some might have a tendency to back off from reviewing other cases as thoroughly, knowing that someone else will be talking about a case. He also noted that if a case is assigned to someone and that person has an emergency and can't attend the meeting then that case might not be ready for review. He said it could be tried, but didn't think the Commission needed to vote on it.

Commissioner Huerta said she could see good aspects of it, but wasn't sure she was a proponent of it. She said that there have been cases that she'd liked to have been able to spend more time on and if there were a case that a commissioner were particularly drawn to and they wanted to be the "lead" on, that would be very admirable and they should do that. She noted that some of the

commissioners, herself included, are not always able to come and review the materials like some others can. She noted that there were pros and cons to assigning a person the do one case, stating that there might not be as much review done as should be done and that it would be much more biased because one person would have done the bulk of the research and would really be presenting their perspective of how the Commission ought to vote.

Chairperson Brewer agreed with Commissioner Huerta, noting that it would be one person's opinion on a case.

Commissioner Garcia said he felt it better to continue with the current method of review. He agreed with previous statements regarding the cons of the suggestion.

Commissioner Davidson stated that he didn't think it would be a good idea for a commissioner to focus more on one case than on other cases. He noted that if cases were reviewed in that manner, the tendency might be to focus more on the assigned case than on the others. He said that the commissioners are there to look at all the cases equally and if something takes them away from doing that, he questioned whether they would be doing the service they were supposed to do.

Chairperson Brewer suggested that at least straw vote be taken to determine where everyone stood or it could be tabled until June when all commissioners would be in attendance.

Commissioner Huerta suggested that if, in the next batch of cases, there is a case that a commissioner is extremely interested in and he / she wishes to do extensive research / review into the case, that they do that, noting that the other commissioners would review the cases the way they normally do.

Chairperson Brewer and Commissioner Davidson both agreed that that was a good idea, Commissioner Davidson noting that he'd already seen a couple of cases in which he was extremely interested. He said that he thought it would be a mistake to assign cases to commissioners and that it should be a commissioner's decision to make more in-depth reviews.

The commissioners were in favor of this modified proposal.

RPR Response to CPRC Policy Recommendation(s)

Chairperson Brewer asked if everyone had had a chance to review the RPD response to policy recommendations and asked if Mr. Williams had any comments to make regarding the responses. Mr. Williams said that RPD had done an excellent job on the POP recommendation, noting that it appeared they'd already been working on something similar to the CPRC recommendation. He said that the other recommendation was still being reviewed, but noted that the issue needed to be addressed, whether in a policy change or in a training bulletin.

Subcommittee Reports

A. Policies & Procedures – Mike Gardner, Chair

Commissioner Gardner reported that this subcommittee met and had agreed on language that would ultimately be brought to the Commission. He said that he hoped to have it for the next public meeting. He noted that Commissioner Ward had found a conflict between some language in the ordinance and implementing language in the CPRC By-Laws and Policies & Procedures. He said that that was a relatively easy fix and would have it back to the Commission soon. He thanked Commissioner Ward for finding it.

B. Investigator Guidelines – Bill Floyd, Chair

Commissioner Floyd was not present to report. Chairperson Brewer did not know if this subcommittee had had another meeting. Commissioner Ward said they had not.

C. OIS (OID) Procedures – Jack Brewer, Chair

Chairperson Brewer said that this subcommittee, which would establish procedures not just for shootings, but for officer-involved deaths, had not met again, but that they would be meeting in the near future.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commissioners adjourned to Closed Session at 6:38 p.m. to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
01-003	PC-01-067-230 - .1
02-017	PC-02-051-203 - .3
02-020	PC-02-054-263 - .1
01-154	PC-01-313-048 - .5
OIS 01-001	P3-01-161-141 - .2

The Commission adjourned at 7:48 p.m.

Respectfully submitted,

PHOEBE SHERRON
Administrative Clerk